

UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. MJ08-5165

v.

LAWRENCE A. FISHER,

DETENTION ORDER

Defendant.

THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds as follows:

1) No condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person or the community. This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

2) No less restrictive condition or combination of conditions will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community, including but not limited to those conditions set forth in 18 U.S.C. 3142(c)(1)(B).

3) Detention is presumed, without adequate rebuttal, pursuant to 18 U.S.C 3142(e) (if noted as applicable below):

- (X) Defendant has a history of a mental health problems and a record of not taking his medication;
- (X) Defendant maintains an "arsenal" of loaded weapons including but not limited to an assault rifle and semi-automatic handgun;
- (X) Defendant is charged with threatening the lives of adults and children and indicates a full awareness of the possible consequences - death or life in prison, characterizing the consequences as preferable to his current existence;
- (X) The defendant is a member of an "anti-government" - "Constitutionalist" organization which discourage compliance with government regulations and orders.

4) Safety Reasons Supporting Detention (if noted as applicable below):

- () Defendant is currently on probation/supervision resulting from a prior offense.
- () Defendant was on bond on other charges at time of alleged occurrences herein.
- () Defendant's prior criminal history.
- () Nature of allegations.

Flight Risk/Appearance Reasons Supporting Detention (if noted as applicable below):

- () Defendant's lack of community ties and resources.
- () Bureau of Immigration and Customs Enforcement Detainer.
- () Detainer(s)/Warrant(s) from other jurisdictions.
- () Failures to appear for past court proceedings.
- () Repeated violations of court orders for supervision.

Order of Detention

The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal, without prejudice to review.

- ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.
- ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding.

August 25, 2008.

s/ J. Kelley Arnold

J. Kelley Arnold, U.S. Magistrate Judge